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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,257	11/30/2000	Niels Mache	450117-02810	5492
20999	7590	03/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,257

Applicant(s)

MACHE, NIELS

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/1/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The Amendment, and remarks therein, received on 11/01/2004 have been entered and carefully considered.
2. The Amendment amended the original claims 1, 3 and 5-6, which has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. Claims 1-9 have been examined.

### ***Drawings***

4. The drawings were received on 11/01/2004. These drawings are objected to. Although applicant provided the corrected drawings, the drawings introduced illegible text in all of the submitted pages. New drawings are required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 3 introduces a new limitation reciting: “the message is sent ... under the control of the processed meta information”. The term is “under the control” is not understood.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 3-7 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by *Robichaux* (Paul Robichaux, “Managing Microsoft Exchange Server, ISBN: 1565925459, July 1999).
8. *Robichaux* teaches receiving a message from a sending client (*Alice*) by a first message gateway (*the local server IS*), resolving recipient addresses by using a message broker (*Directory*) (which reads on extracting meta information from the received message from the first message gateway to a message broker and selecting a second message gateway on the basis of the meta information and client data by the message broker and transmitting modified meta information including message managing information (*recipient address information*) from the message broker to the first message gateway), and transmitting the message from the first message gateway to the selected second message gateway (*the remote server IS*)

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so that the second message gateway can transfer the message to a target client  
(e.g. Don, Charlie) (*Robichaux*, pg. 20 Fig. 2-2).

9. As per claim 3 (as best understood) the recipient address received from the first gateway must be used (included) for the message to be able to reach (be routed) the destination.
10. As per claim 4 *Robichaux* does not explicitly teach a message processor that converts the message prior to being sent to the selected second message gateway. However, the existence of a message processor is inherent, since in order to utilize networks for a message delivery, the message must be converted to meet criteria of the particular network protocol, e.g. the message must be divided to pockets while pockets may not exceed a certain length etc.
11. Claims 5 and 6 are substantially equivalent to claim 1; therefore claims 5 and are similarly rejected.
12. Claim 7 is substantially equivalent to claim 3 and claim 8 is substantially equivalent to claim 4; therefore claims 7 and 8 are similarly rejected.
13. *Robichaux* teaches that the directory (*the directory service*) IS (Information Store) assists in message delivery.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

*Robichaux* (Paul Robichaux, "Managing Microsoft Exchange Server, ISBN: 1565925459, July 1999) in view of *Leeds* (*Leeds*, U.S. Pub. 20020016824 A1).

15. *Robichaux* teaches the message broker processing the meta information and returning the meta information to the first message gateway as discussed above.

*Robichaux* does not explicitly teach processing the meta information to provide for security and authentication.

*Leeds* teaches providing processing the meta information for authentication (*Leeds* [36]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide processing the meta information as taught by *Leeds* into *Robichaux*'s invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to address spamming problems and potential spread of viruses.

Since authentication is considered as security attribute *Leeds* teaching reads on "security and authentication" as recited in the claim language.

16. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

*Vaudreuil* (U.S. Patent No. 5740230) in view of *Farrow et al.* (U.S. Patent No. 6374295) and Official Notice and in further view of *Robichaux* (Paul Robichaux, "Managing Microsoft Exchange Server, ISBN: 1565925459, July 1999).

17. *Vaudreuil* and *Farrow et al.* teach transmitting messages in a distributed system as discussed in the previous Office Action.

*Vaudreuil* and *Farrow et al.* do not explicitly teach transmitting only the meta information to a message broker and

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

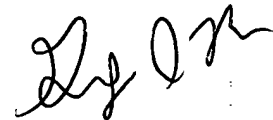
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Signature

3/16/05

Date



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER